

VZCZCXRO6128
RR RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #2396/01 1991512
ZNY CCCCC ZZH
R 181512Z JUL 07
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC 2324
INFO RUCNRAQ/IRAQ COLLECTIVE
RUEKJCS/DIA WASHDC
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL//CCJ2//
RHMFISS/HQ USEUCOM VAIHINGEN GE

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002396

SIPDIS

SIPDIS

E.O. 12958: DECL: 07/17/2017
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [KJUS](#) [IZ](#)
SUBJECT: NINEWA: CPI HARD AT WORK AND AFTER PC CHAIR

REF: BAGHDAD 02297

Classified By: Ninewa PRT Team Leader James Knight for reasons 1.4 (b) and (d)

This is a Ninewa Provincial Reconstruction Team (PRT) message.

SUMMARY

¶1. (SBU) PRT Team Leader Knight and other PRT representatives met the Director of the Commission for Public Integrity (CPI) for Northern Iraq and Judge Mohammad Najim (responsible for pursuing CPI cases) on 10 July for a wide-ranging technical discussion of CPI organization and operations. The CPI appears to enjoy a sound institutional framework and procedures, although its investigations in northern Iraq are excluded from the Kurdistan Regional Government (KRG) and its work has been interdicted in Kirkuk.

¶2. (C) Judge Mohammad Najim is the investigative judge currently pursuing charges against Ninewa Provincial Chair Issa (reftel); he listed numerous serious instances of contract fraud among those charges, included padded and non-performed contracts and improper expenditures. While Issa's arrest remains an apparent political maneuver in support of the KRG agenda for Ninewa, it appears equally clear that Chairman Issa left himself extraordinarily vulnerable to these charges. END SUMMARY.

A WELL-STRUCTURED INSPECTORATE . . .

¶3. (SBU) At this meeting CPI Director for Northern Iraq Muhsin Slevani (theoretically responsible for the three provinces of the KRG plus Ninewa, Salah ad-Din, and Kirkuk) clarified the structure of the CPI in the north, how cases are initiated, and ongoing CPI investigations of Ninewa's Provincial Council. Muhsin outlined that the CPI's Mosul office is the CPI hub for the north. A satellite office in Rabe'a monitors the Port of Entry and other Syrian border trade. Muhsin emphasized that he has made numerous attempts to open the anticipated CPI office in Erbil to cover the KRG, but has not been permitted to do so. Similarly, he observed that the Governor of Kirkuk has effectively blocked CPI investigations in that province.

¶4. (SBU) Muhsin further noted that the CPI's mandate is limited to investigation of government officials and institutions. However, the CPI may also have jurisdiction when private citizens have defrauded official organizations. Muhsin lamented the CPI's ongoing shortage of trained legal staff; he noted that to hire a new staff

member, a candidate must apply, meet all prerequisites, successfully interview at the CPI's Mosul office, and finally be approved by the CPI home office in Baghdad.

... WHICH RELIES ON THE PROVINCIAL JUDICIARY

15. (SBU) Muhsin was accompanied by Judge Mohammad Najim and CPI/Mosul administrative manager Omer Zuhair at this meeting. (Note: Omer is Ninewa Governor Kashmoula's nephew. End note.) Najim explained that the CPI has no judicial authority, but simply investigates cases. When probable cause is established, CPI files are passed to an investigative judge for review; case files for trial are prepared by the investigative judge if sufficient evidence exists. Judges like Najim remain within the provincial judicial system. Najim noted that he is exceptionally busy since he also hears civil cases in Tal Kaif; owing to security fears an exceptional number of such cases are heard in Tal Kaif rather than elsewhere in Ninewa, quite apart from CPI cases.

16. (SBU) Najim further noted that much of his time has recently been spent working as an investigative judge on fuel racketeering cases. Najim may assign three subordinate judges as required; they are also currently focused on government corruption in Ninewa. Muhsin also clarified that the CPI does not have arrest powers; arrests follow warrants issued by a judge. In all cases provincial support is essential to assure arrest warrants are honored; he pointed out that longstanding warrants against the Commander of Ninewa's Border Enforcement Division and the Mayor of Rabe'a have simply been ignored.

BAGHDAD 00002396 002.2 OF 003

COMPLAINT HOTLINE AND E-MAIL

17. (SBU) Responding to Team Leader Knight's query regarding initiation of CPI investigations, Muhsin pointed out that the CPI maintains 'hotline' telephone numbers and e-mail addresses, both of which are widely advertised on local television and posters in every government office. He added that all complaints are accepted and investigated. Zuhair interjected that citizens also can submit complaints directly to CPI offices. Judge Najim noted that cases without merit can be dismissed without prejudice by the CPI in the first instance, or by an investigative judge.

NINEWA COUNCIL INVESTIGATIONS

18. (C) When queried by Team Leader Knight, Najim related that CPI investigation of contracting at the Ninewa Provincial Council followed complaints by Provincial Council members to Prime Minister Maliki during his September 2006 visit to Mosul. Najim observed that CPI investigators from Baghdad were twice rebuffed by Council Hall security officers before his office was assigned the case. When his office took over, Najim ordered the collection of all documentation related to reconstruction and funding. Circumventing what Najim alleges was Provincial Council reluctance to release such records, Najim approached Ministry Directors-General directly.

19. (C) In the course of reviewing Provincial Council reconstruction files Najim encountered a number of questionable transactions. He specifically cited incomplete contracts, gross overcharges, and untraceable contracted firms as key areas of investigation. Najim's examples of financial malfeasance in these contracts included exorbitant prices, undelivered (but paid for)

goods, and direct contracts made between Council members and service companies. In one instance, a recently deceased Council member's signature appeared on a contract dated after his demise.

¶10. (C) After seven months of investigation, Council fraud was primarily attributable to Provincial Council Finance Committee Chair Francis Mansour and Provincial Council Chair Issa. Najim noted that other Council members are under investigation, but remain presumed innocent until found guilty. Najim further clarified that no Provincial officials enjoy any legal immunities, which are restricted to Ministers and Council of Representatives members.

COMMENT

¶11. (C) The CPI's freedom to pursue its mandate is clearly politically constrained. Although the Northern Region office of the CPI has presumptive jurisdiction over the three provinces of the KRG as well as Ninewa, Salah ad-Din, and Kirkuk, it has been successful pursuing investigations only in Ninewa and Salah ad-Din. KRG control of the focus of CPI investigations in the north is obvious, as these limitations and the fact that the investigative judge assigned to these cases is resident in the KRG-dominated (hence 'safe') District of Tal Kaif.

¶12. (C) COMMENT CONTINUED: Despite its deployment in support of the KRG's agendas, the Northern Regional Office of the CPI appears both technically and ideologically capable of becoming a strong buttress of GOI financial probity. It is regrettable that its efforts have become distorted by the urgencies of Article 140 and KRG hegemony in northern Iraq.

¶13. (C) COMMENT CONTINUED: Ninewa IPAO Holtsnider visited Provincial Chair Issa in confinement at Provincial Police Headquarters in Mosul 15 July. At that time he had been interviewed by Judge Najim only once. In conversation with Ninewa Governor Kashmoula the next day, the Governor pointed out to Holtsnider that Issa may appear before the Mosul Major Crimes Court (MCC) shortly after the new trial panel arrives, since its parent Central Criminal Court of Iraq (CCCI) hears major official corruption cases -- and presumably the Mosul MCC could do so as well. This, too, may unfortunately mix local KRG agendas with an otherwise laudable and highly effective vehicle for the rule of law in Ninewa -- and thus hijack its now-excellent reputation

BAGHDAD 00002396 003 OF 003

among all constituencies in the Province. END COMMENT.
CROCKER